



Nixon Peabody LLP
677 Broadway, 10th Floor
Albany, NY 12207-2996

Christopher J. Stevens
Counsel

Attorneys at Law
nixonpeabody.com
@NixonPeabodyLLP

T / 518.427.2737
F / 833.755.3041
cstevens@nixonpeabody.com

MEMO ENDORSE

March 28, 2023

Hon. Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4150

**RE: U.S. and State of New York ex rel. Munford v. Maranatha Human Services
(18-cv-8892)**

Dear Judge Karas:

Defendant Maranatha Human Services (“Maranatha”) respectfully submits this letter motion, pursuant to Rule IX of Your Honor’s Individual Rules of Practice, to redact/seal portions of certain exhibits submitted in support of its motion for summary judgment. We have conferred with Plaintiff’s counsel, who consents to the proposed redactions. The proposed redactions are briefly summarized in the table below.

Exhibit ¹	Summary of Information Redacted
B	Patient names
K	Home address
L	Home address
M	Patient (or potential patient) names
O	Patient (or potential patient) names
Q	Patient (or potential patient) names
EE	Individual cell phone number(s)
KK	Individual cell phone number(s)
NN	Home address

¹ All Exhibit references are to documents attached to the Declaration of Tina Sciocchetti, dated March 28, 2023, submitted in support of Maranatha’s motion for summary judgment.

March 28, 2023

Page 2

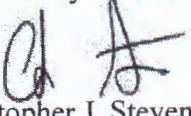
Exhibit ¹	Summary of Information Redacted
OO	Home address
PP	Home address
TT	Individual cell phone number(s)

As is evident from the above, the proposed redactions are entirely non-substantive and designed exclusively to protect personally identifiable information from public disclosure. Some of the proposed redactions (i.e., patient names) relate to the provision, or potential provision, of medical care to third parties. That information is protected from disclosure by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), Pub. L. 104-191 (1996), and/or Department of Health Regulations. *See* 45 C.F.R. § 164.502(a). "Courts in this Circuit have repeatedly held that information protected by HIPAA is not subject to a First Amendment or common-law right of access and thus have sealed docket entries and redacted documents that contain such information." *Offor v. Mercy Med. Ctr.*, 167 F. supp. 3d 414, 445 (S.D.N.Y. Mar. 10, 2016) *aff'd in part, vacated in other part, and remanded*, 676 Fed.Appx. 51 (2d Cir. 2017) (summary order).

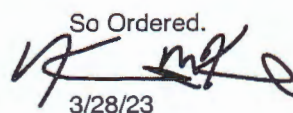
Other proposed redactions cover the personal, private (i.e., home addresses and cell phone numbers) of Plaintiff and/or current or former Maranatha employees. The Southern District has previously granted motions to seal/redact similar information. *See Rojas v. Triborough Bridge and Tunnel Auth.*, 2022 WL 773309, at *3 (S.D.N.Y. Mar. 14, 2022) (granting motion to seal to the extent it covered "confidential personal information relating to the plaintiff," including phone number); *Anderson v. New York City Health and Hospitals Corp.*, 2020 WL 1047054, at *3 (S.D.N.Y. Mar. 4, 2020) ("[T]he Court appreciates that there is certain information contained in the resumes, such as the applicants' home addresses, personal phone numbers, and email addresses, that is not public, has no bearing on this Court's Report and Recommendation on Defendants' Motion for Summary Judgment, and has been recognized by courts in this Circuit as the type of personal information that should be shielded from public disclosure.").

None of the proposed redactions cover material likely to be in any way relevant to the Court's consideration of the instant motion. Maranatha respectfully submits that its unopposed motion to seal/redact should therefore be granted.

Respectfully submitted,


 Christopher J. Stevens
 Counsel

Granted.

 So Ordered.

 3/28/23

March 28, 2023
Page 3

SO ORDERED:

Honorable Kenneth M. Karas
United States District Judge